IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3902 of 2024

BETWEEN:-

BABLU@CHANDRAPRAKASH S/O TUFANSIGH KUSHWAH, AGED ABOUT 48 YEARS, OCCUPATION: AGRICULTURE 33, PACHU KI CHAAL BEHIND HOTEL AMALTAS INDORE (MADHYA PRADESH)

.....APPLICANT

SHRI VISHAL PATEL, ADVOCATE

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH P.S. TEJAJI NAGAR (MADHYA PRADESH)

.....RESPONDENTS

SHRI MUKESH SHARMA, GOVT. ADVOCATE

This application coming on for order this day, the court passed the following:

ORDER

They are heard. Perused the case-diary.

2] This is applicant's second application filed under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.339/2020 registered at Police Station Tejaji Nagar, District Indore (MP) for offence punishable under Sections 420,34,467,468,,471,120-B,202 of I.P.C. His earlier anticipatory bail application in respect of offences under Section 420, 34 of IPC was allowed by a coordinate Bench of this Court vide order dated 16.09.2020 passed in

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3] Counsel for the applicant has submitted that thereafter the matter was pending for completion of investigation, and recently on 18.1.2024 the charge sheet has been filed under Sections 467,468,120(B),471,202 of IPC and the following sections were also added in the charge sheet. It is further submitted that the applicant is apprehending that since the earlier application was in respect of Section 420/34 of IPC, the applicant might be arrested, if he surrenders before the trial Court despite the fact that he has already cooperated with the investigation. Thus, it is submitted that the applicant be released on anticipatory bail.

4] Counsel for the State, on the other hand, has opposed the prayer.

5] Having considered the rival submissions, perusal of the case-diary, the earlier order dated 16.09.2020 passed by the coordinate Bench of this Court in M.Cr.C. No.29749/2020, and the subsequent events, this Court is inclined to allow the present application as the custodial interrogation of the applicant is not necessary,.

6] Accordingly, without reflecting anything on the merits of the case, this application is **allowed**. It is directed that in the event of arrest, applicant shall be released on bail, upon his executing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

7] The applicant shall make himself available for interrogation by a Police Officer, as and when required. He shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

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Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE

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